

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

VINCENT RODRIGUEZ, Individually and on
behalf of all others similarly situated;

Plaintiff,

vs.

GREGORY CUTCHALL, Individually; and GC
PIZZA LLC,

Defendants.

4:20CV3106

ORDER

This matter is before the Court on Plaintiff's Motion to Amend Scheduling Order ([Filing No. 115](#)) and Defendants' Motion to Amend Progression Order ([Filing No. 131](#)).

DISCUSSION

On March 4, 2022, Defendants Filed a Motion for Partial Declaratory Summary Judgment ([Filing No. 106](#)) requesting that the Court decide the method of proof that should be applied in this case. On March 18, 2022, Plaintiff filed a Motion to Amend Scheduling Order ([Filing No. 115](#)). Plaintiff's Motion to Amend stated that they intended "to promptly file a cross-motion for summary judgment" on the same issue raised in Defendants' Motion for Partial Declaratory Summary Judgment. Plaintiff asserted he could file a cross-motion for summary judgment because Defendants waived the one-way intervention rule. On March 18, 2022, shortly after the Motion to Amend was filed, Plaintiff filed the Cross-Motion for Partial Summary Judgment ([Filing No. 116](#)) referenced in the Motion to Amend.

On April 25, 2022, Defendants filed a Motion to Strike Portions of Plaintiff's Cross-Motion for Partial Summary Judgment. ([Filing No. 125](#).) In the Motion to Strike, Defendants dispute that they waived the one-way intervention rule as Plaintiff asserted in the Motion to Amend.

On June 2, 2022, Defendants' counsel advised that Defendant Gregory Cutchall passed away. ([Filing No. 130](#).) That day, Defendants also filed a Motion to Amend Progression Order requesting that the progression deadlines be modified to allow time for rulings on the pending motions.

From the undersigned's review of Plaintiff's Motion to Amend Scheduling Order and Defendants' Motion to Amend Progression Order, it appears all parties agree that progression deadlines need to be modified in light of the issues raised in the other pending motions. The undersigned agrees. Therefore, the Court will stay all non-expired case progression deadlines at this time.

Accordingly,

IT IS ORDERED:

1. Plaintiff's Motion to Amend Scheduling Order ([Filing No. 115](#)) is granted to the extent it requests an extension of case progression deadlines. The undersigned makes no ruling with respect to waiver of the one-way intervention rule.
2. Defendants' Motion to Amend Progression Order ([Filing No. 131](#)) is granted.
3. All case progression deadlines are stayed pending a ruling on the remaining motions. Within seven days of a ruling on those motions, the parties shall contact to Court to schedule a status conference with the undersigned.

Dated this 9th day of June, 2022.

BY THE COURT:

s/ Susan M. Bazis
United States Magistrate Judge